IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventorship...Sierra et al.
Applicant .... Microsoft Corporation
Group Art Unit 2135
Examiner .... Ha, Leynna A.
Attorney's Docket No. MS1-485US
Title: Methods And Arrangements For Providing A Mark-Up Language Based
        Graphical User Interface For User Identification To An Operating System

APPEAL BRIEF

To: Commissioner for Patents
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Pursuant to 37 C.F.R. §41.37, Appellant hereby submits an appeal brief

for application 09/539,231, filed March 30th, 2000, within one month of the requisite

time from the date of filing the Notice of Appeal along with a one-month extension.

Accordingly, Appellant appeals to the Board of Patent Appeals and Interferences

seeking review of the Examiner's rejections.

Appeal Brief Items   Page

(1)   Real Party in Interest

The real party in interest is Microsoft Corporation, the assignee of all right, title and interest in and to the subject invention.

(2)   Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial proceedings that will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

(3)   Status of Claims

Claims 1-29 stand rejected and are pending in this Application. The rejections of Claims 1-29 are appealed. Claims 2-7, 9-10, 13-14, 16-21, 23-26, and 28-29 are original and hence bear the designator "(original)". Claims 1, 8, 11-12, 15, 22, and 27 are previously presented and hence bear the designator "(previously presented)".

Claims 1-29 are set forth in the Appendix of Appealed Claims on page 29.

(4)   Status of Amendments

The Final Office Action, which is the subject of this Appeal, was mailed May 20th, 2004 (herein the "Final Office Action").

The Office mailed an Advisory Action on October 5th, 2004, after which Appellant filed a Notice of Appeal dated November 19th, 2004.

No amendments were made to the claims subsequent to the final rejection.

(5)   Summary of Claimed Subject Matter

A concise explanation of each of the independent claims is included in this Summary section, including specific reference characters. These specific reference characters are examples of particular elements of the drawings for certain claimed embodiments. It is to be appreciated and understood that the claims are not to be limited to solely the elements corresponding to these reference characters and that this section is provided to comply with the requirement of 37 CFR § 41.37(c)(1)(v).

Claim 1 recites a method for use in a computer (20), the method comprising, while booting a computer ("start" of Fig. 3 and 202) and prior to allowing a user to logon (214) to the computer (20), arranging for a markup language rendering engine (page 8, lines 3-8) to be loaded (204) substantially near the beginning ("start" of Fig. 3 and 202) of an operating system initialization procedure (see 202); and providing (206) markup language code (page 9, lines 8-13 and page 10, lines 1-17) suitable for use with the markup language rendering engine (page 8, lines 3-8), the markup language (page 9, lines 8-13 and page 10, lines 1-17) being capable of soliciting (208) at least one user input when rendered (104, 110, and 112) by the markup language rendering engine (page 8, lines 3-8), the user input being associated with a user logon process (210, 212, and 214) configured to selectively allow (214) a user to logon to the computer (20).

Claim 8 recites a computer-readable medium (36) having computer-executable instructions for causing one or more processors (21) to perform acts comprising, while booting a computer ("start" of Fig. 3 and 202) and prior to allowing a user to logon (214) to the computer (20), arranging for a markup

language rendering engine (page 8, lines 3-8) to be loaded (204) substantially near the beginning ("start" of Fig. 3 and 202) of an operating system initialization procedure (see 202); and providing (206) markup language code (page 9, lines 8-13 and page 10, lines 1-17) suitable for use with the markup language rendering engine (page 8, lines 3-8), the markup language (page 9, lines 8-13 and page 10, lines 1-17) being capable of soliciting (208) at least one user input when rendered (104, 110, and 112) by the markup language rendering engine (page 8, lines 3-8), the user input being associated with a user logon process (210, 212, and 214) configured to selectively allow (214) a user to logon to the computer (20).

Claim 15 recites an arrangement including a memory (22), a data storage device (27 or 50), a display device (47), and a processor (21) operatively coupled (23) to the memory (22), data storage device (27 or 50) and the display device (47), the arrangement comprising a markup language rendering engine (page 8, lines 3-8) stored within the data storage device (27 or 50) and suitable for loading in the memory (22) substantially near the beginning ("start" of Fig. 3 and 202) of an operating system initialization procedure (see 202) while booting a computer (20) and prior to allowing a user to logon (see 214) to the computer (20), and markup language code (page 9, lines 8-13 and page 10, lines 1-17) suitable stored in the data storage device (27 or 50) and configurable for use with the markup language rendering engine (page 8, lines 3-8), the markup language (page 9, lines 8-13 and page 10, lines 1-17) being capable of soliciting at least one user input (see 210 and shown through 104, 110, and 112) when rendered (208) by the markup language rendering engine (page 8, lines 3-8) onto the display device (47), the user input (see 210 and shown through 104, 110, and 112) being associated

with a user logon process (210, 212, and 214) configured to selectively allow (214) a user to logon to the computer (20).

Claim 22 recites a method for use in booting a computer (20) and logging users onto the computer (20), the method comprising, prior to allowing a user to logon (214) to a computer (20), loading (204) a markup language rendering engine (page 8, lines 3-8) substantially near the beginning of an operating system (35) initialization procedure ("start" of Fig. 3 and 202), retrieving user data (206) from the operating system (35), rendering (208) markup language code (page 9, lines 8-13 and page 10, lines 1-17) associated with a logon screen (100) using at least a portion of the user data (retrieved at 206), collecting (210) at least one user input associated with the logon screen (100), and establishing a logon session if the user input (210) is valid (214).

Claim 27 recites a markup language based logon user interface arrangement for use in logging users onto a computer (20), the user interface comprising: a logon screen (100) displayed while booting ("start" of Fig. 3 and 202) the computer (20) and prior to allowing a user to logon (214) to a computer (20), a user logon area (104) within the logon screen (100), the user logon area (104) visually identifying a plurality of users using text identifiers (110) and graphical identifiers (112), such that each text identifier (110) and graphical identifier (112) are selectable by the user through the user interface and upon selection by the user cause the user interface to prompt the user to input a password (see 208), and a single selectable shut down mechanism (108) graphically located within the logon screen (100) and configured to shut the computer (20) down when selected through the user interface by the user.

(6)   Grounds of Rejection to be Reviewed on Appeal

Claims 1-29 stand rejected under 35 U.S.C. §103(a) as being obvious over

U.S. Pat. No. 6,438,580 to Mears, et al. (hereinafter, "Mears") in view of U.S. Pat.

No. 6,026,388 to Liddy, et al. (hereinafter, "Liddy").

(7)   Argument

Claims 1-29 stand rejected under 35 U.S.C. §103(a) as being obvious over

Mears in view of Liddy.

Claims 1-7

Claim 1

Appellant respectfully submits that the Examiner fails to establish a *prima*

facie case of obviousness for rejecting Claim 1 in the Final Office Action. The

Examiner fails to do so first by improperly equating a "user registration" of Mears

with a logon process. Second, the Examiner fails to establish a *prima facie* case

by not providing a legally sufficient basis for combining Liddy with Mears. For

the reader's convenience, the subject matter of Claim 1 is provided below, after

which Appellant submits its arguments for Claim 1.

Claim 1 recites a method for use in a computer, the method comprising:

- while booting a computer and prior to allowing a user to logon to the computer, arranging for a markup language rendering engine to be loaded substantially near the beginning of an operating system initialization procedure; and
- providing markup language code suitable for use with the markup language rendering engine, the markup language being capable of soliciting at least one user input when rendered by the markup language rendering engine, *the user input being associated with a*

> ***user logon process configured to selectively allow a user to logon to the computer.***

The User Registration of Mears

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case by improperly equating a "user registration" of Mears with a logon process. Appellant submits that Mears generally teaches against equating its "user registration" with a logon process because Mears assumes that a person using its "user registration" is already logged on. Appellant also submits, more specifically, that the Examiner's cited basis in Mears does not establish sufficient basis under 103 for equating the user registration of Mears to a logon process.

Mears teaches against equating its "user registration" with a logon process by assuming that the user is already logged on. First, Mears discloses that the user is operating the computer before the user is enabled to use its "user registration". Second, Mears assumes that the user's identity is known before the user is enabled to use its "user registration". A user that is already operating a computer where the computer knows the user's identity is either logged on or, at the least, does not need to logon to the computer.

First, Mears teaches that the user is operating the computer before the user is enabled to use its "user registration". Mears, at column 5, lines 60-67, teaches that a user is on a client computer running a web browser after which the user can select from categories listed in the web browser and *then* the web browser sends a request to a web page builder and server program. The web page builder and server program *then* locates the appropriate informational items, builds a web page, and sends it to the web browser for display. This action by the web page

builder and server program occurs *after* the user is already operating a computer but *before* the "user registration" equated by the Examiner with the claimed logon process.

Second, Mears assumes that the user's identity is known before the user is enabled to use its "user registration". The web page through which the Examiner's relied-on "user registration" may be selected provides options that must already know the identity of the user. At column 7, lines 14-16, Mears states: "Selecting favorite listing 162 displays a list of the users favorite or most useful areas of interactive knowledgebase 48". Mears assumes that the user's identity is known, otherwise, how could the favorite listing display a list of *the user's* favorite or most useful areas? At column 7, lines 43-49 (emphasis added), Mears states:

> Profile button 174 when selected brings up the user registration screens in the right window 154. User profile screens are used to set or modify user preferences. FIG. 7*a* illustrates a first registration screen 180. First registration screens 180 display *current information regarding a user* and allows a user to *update* that information.

Mears teaches that the registration screens display *current information* about the user. To be current information about the user, the user's identity must be known. Also, how else could the user "update" his preferences if the computer does not already know the user's identity?

For at least these reasons, Mears teaches generally against equating its "user registration" with a logon process. Mears assumes that the user is already logged on, or, at the least, that the user is operating the computer and has his

identity known and so does not need to logon to the computer. Either way, Mears teaches away from equating Mears's "user registration" with a logon process.

The Examiner's argument that Mears's user registration is patentably equivalent to the logon process completely ignores the context in which Mears's user registration is employed and ascribes properties to Mears's disclosure that it simply does not have. In addition, the Office's argument is akin to arguing that just because one disclosure is directed to enabling a user to input personal information that all other disclosures that present different, patentably distinct approaches for enabling a user to input personal information would be obvious.

The Examiner's assertion that Mears's discussion of enabling a user to input his or her preferences implies the specific subject matter of this claim falls far short of the showing needed to establish a *prima facie* case of obviousness as required by the predecessor to the Federal Circuit. *See, e.g., In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (the prior art reference or references when combined must teach or suggest *all* the claim limitations)(emphasis added). For at least this reason, Appellant respectfully submits that the Examiner has failed to establish a proper *prima facie* case of obviousness in the Final Office Action.

Appellant also submits, more specifically, that the Examiner's cited basis in Mears does not establish sufficient basis under 103 for equating the user registration of Mears to a logon process.

The Examiner, at page 3 of the Final Office Action, writes: "The Examiner asserts [that the] user registration of Mears **(col. 7, lines 47-54)** can also be a logon process because both the registration and logon process is where personal information is entered regarding the user to identify him/her to the computer."

Consider first the Examiner's citation in support of its assertion that "the user registration of Mears" can also be a "logon process", the entirety of which is set forth below:

> Profile button 174 when selected brings up the user registration screens in the right window 154. User profile screens are used to set or modify user preferences. FIG. 7a illustrates a first registration screen 180. First registration screens 180 display current information regarding a user and allows a user to update that information. Demographic profile section 182 shows demographic information such as user name, phone numbers, Internet mail address and other information. Profile information section 184 contains a list of profile information entries for address 186, personal information 188, interests 190, roles 192 and notification 194. To the right of these entries is a status indicator 196 which indicates if the information entry has been completed or not. Each of the profile entries can be selected for updating and changing. This also allows a user to be associate with different database fields so that when the web page builder creates a web page regarding a certain category, individuals which are connected to that category by these entries can be included in the web page.

Mears, col. 7, lines 44-62.

The passage relied upon by the Examiner does not support the Examiner's assertion that "the user registration of Mears" can also be a "logon process". Instead, in this passage Mears discloses enabling a user to update his or her preferences. As described above, Mears's "user registration" is enabled only after the user has already logged in or, at the least, does not need to log in. Also, Mears uses the term "registration" is a manner inconsistent with a logon process.

Mears's "user registration screens" on which the Examiner seems to rely, are generally equated by Mears with user profile screens. In the above passage Mears writes that these profile screens "are used to set or modify user preferences". (Mears, col. 7, lines 45-46). Thus, Mears generally equates the

"user registration screens" on which the Examiner seems to rely with enabling a user to set or modify his or her preferences rather than register the user. Also, when a user modifies a preference, the user is making a change to an existing preference associated with that user. A logon process does not enable a user to modify an existing preference associated with the user. In at least this sense, the "user registration screens" of Mears are not equivalent to a logon process.

Mears also discloses specific examples of registration screens for a user to set or modify his or her preferences none of which suggest a logon process. Mears writes that the registration screens display current information regarding a user and allow a user to update that information in a knowledgebase. (Mears, col. 7-8). Mears continues, setting out in detail how his registration screens are used, writing that "an address registration screen 200" is one in which a "user can enter or change his address including street address, city, state/province, zip/postal code, country and primary language spoken." (Mears, col. 7, lines 63-67). Clearly, the registration screens of Mears are directed toward enabling a user to change his or her preferences—not logon to a computer.

Not only does the passage cited by the Examiner not support the Examiner's assertion, Mears in total teaches against the Examiner's assertion.

Insufficient Basis Given For Combining Mears and Liddy

According to the Federal Circuit and the MPEP, the evidence on which an obviousness rejection is based must be set forth in the Office Action. MPEP 2144.08 III states as follows:

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Explicit findings on motivation or suggestion to select the claimed invention should also be articulated in order to support a 35 U.S.C. 103 ground of rejection. *Dillon*, 919 F.2d at 693, 16 USPQ2d at 1901; *In re Mills*, 916 F.2d 680, 683, 16 USPQ2d 1430, 1433 (Fed. Cir. 1990). Conclusory statements of similarity or motivation, without any articulated rationale or evidentiary support, do not constitute factual findings.

Further, according to the MPEP 2142 (emphasis added):

> The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*

Hence, when patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine or modify the references relied on as evidence of obviousness. The need for specificity pervades this authority. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed").

Thus, the Examiner must provide factual evidence establishing nonobviousness rather than conclusory statements of motivation to establish a *prima facie* case of obviousness.

The following comprises the Examiner's sole support for combining Mears and Liddy:

> Although, Mears did teach the registration/logon process, Mears did not fully disclose to selectively allow a user to logon to a computer.
>
> Liddy, Et Al. discloses the logon process in the form of a sign-on utilizing the GUI screen to allow users to interact with the system to select data resources, to create a natural language query, and to select criteria for retrieving and displaying documents. Liddy discusses that the GUI screen includes pull-down menus, a menu bar and various on screen windows for user inputs and interactions **(col. 27, lines 6-52)**. Further, Liddy teaches the selective sign-on process at the initial screen where only users with registered usernames and valid passwords are allowed access **(col. 28, lines 41-50)**.
>
> Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to include selectively allow a user to logon to the computer *would be for security purposes* wherein only users that are registered that enters a registered username and valid password are allowed to proceed. **(col. 28, lines 47-50)**.

Final Office Action, pages 3-4, italics added for emphasis.

The Examiner recorded a list of elements allegedly disclosed by Liddy and then concludes that "it would have been obvious ... to include [to] selectively allow a user to logon to the computer would be for security purposes". The Examiner recorded a list of elements and a conclusory motivation for combining Liddy with Mears—but did not provide evidence in support of that conclusion. The motivation "would be for security purposes" is too general to establish factual support.

Appellant respectfully refers to the USPTO website for an article concerning formulating and communicating rejections under 35 U.S.C. 103 related to computer-implemented inventions. In this Article, the USPTO provides, in Section V, entitled "Examples of Improper Rejection under 35 U.S.C. 103", an exemplary *improper* rejection under 103 (italic emphasis added):

c. Poor statement of the rejection

Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over Reference A in view of Reference B. Reference A discloses the conventional use of a smart card to track consumer preferences and provide incentives. However, Reference A does not disclose the automatic notification to consumer providing incentives. Reference B discloses providing incentives to consumers to purchase the desired products. It would have been obvious to combine Reference A's smart card with Reference B's incentive to consumers *because the combination would allow Reference A's smart card to be more efficient.*

d. Analysis

The motivation, *improve efficiency, is too general* because it could cover almost any alteration contemplated of Reference A and *does not address why this specific proposed modification would have been obvious.* Additionally, there is nothing in either of [the] references that would suggest automatically notifying the consumer when reaching a threshold nor is there anything in either reference that would suggest the notifying step. Finally, although Reference B teaches a traditional coupon scheme to promote customer loyalty, there is no suggestion, other than applicant's disclosure, to employ this scheme to promote the introduction of new and alternative products. **The rejection is improper.**

See www.uspto.gov/web/menu/busmethp/busmeth103rej.htm#E17.

It is telling that the USPTO considers the above-cited motivation — "to be more efficient" — given in support of the above exemplary rejection under 103 to be insufficient. Appellant considers the Examiner's stated motivation "would be for security purposes" to be similar to the motivation "to be more efficient" admonished by the USPTO. For at least this reason, Appellant respectfully submits that the Examiner failed to establish a *prima facie* case of obviousness.

Also, Appellant submits that the Examiner failed to establish a *prima facie* case of obviousness by failing to establish a motivation to combine Mears with

Liddy sufficient to overcome Mears's teachings in contravention to a combination with Liddy. Mears teaches against combination with Liddy for the reasons stated above and in the "Summary of the Invention" section, where Mears writes that "[i]n accordance with the teachings of the present invention, an interactive knowledgebase is provided which substantially eliminates or reduces the disadvantages and problems associated with existing database structures." (Mears, at Summary of the Invention, col. 1, lines 39-44). The teachings of Mears are directed to that of an interactive knowledgebase that substantially eliminates or reduces the disadvantages and problems associated with existing database structures—not logging onto a computer.

For this and other reasons set forth above, Mears's disclosure is directed away from combination with Liddy. Yet the Examiner's argument in support of combining Liddy with Mears—that it would be obvious to combine them for security purposes—provides little if any factual support sufficient to contravene the teaching of Mears against this combination.

Claims 2-7

Claims 2-7 depend from Claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, singly or in combination with those recited in Claim 1, have not been shown to be obvious in the Final Office Action.

Claims 8-14

Claim 8

Appellant respectfully submits that the Examiner fails to establish a *prima facie* case of obviousness for rejecting Claim 8 in the Final Office Action. The Examiner fails to do so first by improperly equating a "user registration" of Mears with a logon process. Second, the Examiner fails to establish a *prima facie* case by not providing a legally sufficient basis for combining Liddy with Mears. For the reader's convenience, the subject matter of Claim 8 is provided below, after which Appellant submits its arguments for Claim 8.

Claim 8 recites a computer-readable medium having computer-executable instructions for causing one or more processors to perform acts comprising:

- while booting a computer and prior to allowing a user to logon to the computer, arranging for a markup language rendering engine to be loaded substantially near the beginning of an operating system initialization procedure; and
- providing markup language code suitable for use with the markup language rendering engine, the markup language being capable of soliciting at least one user input when rendered by the markup language rendering engine, *the user input being associated with a user logon process configured to selectively allow a user to logon to the computer*.

The Examiner's argument in support of her rejection of Claim 8 relies on the language and reasoning addressed in Appellant's argument set forth for Claim 1 above. For any of the reasons set forth above, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness in rejecting Claim 8.

<u>Claims 9-14</u>

Claims 9-14 depend from Claim 8 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, singly or in combination with those recited in Claim 8, have not been shown to be obvious in the Final Office Action.

Claims 15-21

<u>Claim 15</u>

Appellant respectfully submits that the Examiner fails to establish a *prima facie* case of obviousness for rejecting Claim 15 in the Final Office Action. The Examiner fails to do so first by improperly equating a "user registration" of Mears with a logon process. Second, the Examiner fails to establish a *prima facie* case by not providing a legally sufficient basis for combining Liddy with Mears. For the reader's convenience, the subject matter of Claim 15 is provided below, after which Appellant submits its arguments for Claim 15.

Claim 15 recites an arrangement including a memory, a data storage device, a display device, and a processor operatively coupled to the memory, data storage device and the display device, the arrangement comprising:

- a markup language rendering engine stored within the data storage device and suitable for loading in the memory substantially near the beginning of an operating system initialization procedure while booting a computer and prior to allowing a user to logon to the computer; and
- markup language code suitable stored in the data storage device and configurable for use with the markup language rendering engine, the markup language being capable of soliciting at least one user input when rendered by the markup language rendering engine onto the display device, *the user input being associated with a user logon*

process configured to selectively allow a user to logon to the computer.

The Examiner's argument in support of her rejection of Claim 15 relies on the language and reasoning addressed in Appellant's argument set forth for Claim 1 above. For any of the reasons set forth above, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness in rejecting Claim 15.

Claims 16-21

Claims 16-21 depend from Claim 15 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, singly or in combination with those recited in Claim 15, have not been shown to be obvious in the Final Office Action.

Claims 22-26

Claim 22

Appellant respectfully submits that the Examiner fails to establish a *prima facie* case of obviousness in rejecting Claim 22. First, the Examiner fails to establish a *prima facie* case by failing to show that the cited references disclose an element of Claim 22. Second, the Examiner fails to establish a *prima facie* case by not providing a legally sufficient basis for combining Liddy with Mears. For the reader's convenience, the subject matter of Claim 22 is provided below, after which Appellant submits its arguments for Claim 22.

Claim 22 recites a method for use in booting a computer and logging users onto the computer, the method comprising:

- prior to allowing a user to logon to a computer, loading a markup language rendering engine substantially near the beginning of an operating system initialization procedure;
- retrieving user data from the operating system;
- rendering markup language code associated with a logon screen using at least a portion of the user data;
- collecting *at least one user input associated with the logon screen*; and
- *establishing a logon session if the user input is valid.*

Elements of Claim 22

First, the Examiner fails to show that the cited references disclose an element of Claim 22. At page 11 of the Final Office Action, the Examiner asserts that Mears discloses a logon screen, writing: "[C]ollecting at least one user input associated with the logon screen; and **(col. 7, lines 50-51)**." Consider first the Examiner's citation in support of its assertion that Mears discloses collecting at least one user input associated with the logon screen, the entirety of which is set forth and underlined within the quotation below:

> Profile button 174 when selected brings up the user registration screens in the right window 154. User profile screens are used to set or modify user preferences. FIG. 7a illustrates a first registration screen 180. First registration screens 180 display current information regarding a user and allows a user to update that information. <u>Demographic profile section 182 shows demographic information such as user name, phone numbers, Internet mail address and other information.</u> Profile information section 184 contains a list of profile information entries for address 186, personal information 188, interests 190, roles 192 and notification 194. To the right of these entries is a status indicator 196 which indicates if the information entry has been completed or not. Each of the profile entries can be selected for updating and changing. This also allows a user to be associate with

different database fields so that when the web page builder creates a web page regarding a certain category, individuals which are connected to that category by these entries can be included in the web page.

Mears, col. 7, lines 44-62 (emphasis added).

This passage of Mears do not disclose, teach, or imply a logon screen as required by Claim 22. So far as might be deemed relevant to the presently claimed subject matter, in this passage Mears simply discloses enabling a user to update his or her preferences through a screen displaying current information.

This passage, like some of those discussed in the argument for Claim 1, are directed to enabling a user to update his or her preferences, which assumes that a user is already logged on or does not need to do so. For at least this reason, the cited passage does not disclose, teach, or imply a logon screen as required by Claim 22.

Also in this passage, Mears equates registration screens generally with user profile screens. Mears writes that these user profile screens "are used to set or modify user preferences". Thus, Mears teaches that his registration screens are generally for receiving input to set and modify a user's preferences rather than logon to a computer.

Further, Mears discloses specific examples of registration screens that are for a user to set or modify user preferences having nothing to do with logging onto a computer. Mears writes that the registration screens display current information regarding a user and allow a user to update that information in a knowledgebase. (Mears, col. 7-8). Mears continues, setting out how his registration screens are used in detail, writing that "an address registration screen 200" is one in which a "user can enter or change his address including street address, city, state/province,

zip/postal code, country and primary language spoken." (Mears, col. 7, lines 63-67). Clearly, the registration screens of Mears are directed toward enabling a user to change his or her preferences.

Thus, Mears teaches that his disclosed invention, and its operation through registration screens, is directed to enabling a user to add or edit content for setting and modifying preferences. Setting and modifying preferences is not equivalent to collecting at least one user input associated with a logon screen. Thus, on its face, the Examiner's support for showing that "collecting at least one user input associated with the logon screen" is not shown in Mears. The Examiner does not argue that Liddy discloses this element. For at least this reason, the rejection of Claim 22 under 103 has not been proved by the Examiner.

Not only does the passage cited by the Examiner not support the Examiner's assertion, Mears generally teaches against the Examiner's assertion. Appellant refers the reader to the argument with respect to Claim 1.

Insufficient Basis Given For Combining Mears and Liddy

Similarly to the Examiner's language in rejecting Claim 1 above, the Examiner provides insufficient factual support for combining Mears and Liddy. The Examiner instead relies on a conclusory statement of motivation to establish its case of obviousness.

The following comprises the Examiner's sole support for combining Mears and Liddy in rejecting Claim 22:

> Although, Mears did teach the user input associated with the registration/logon screen, Mears did not fully disclose establishing a logon session if the user input is valid.

> Liddy, Et Al. discloses the logon process in the form of a sign-on utilizing the GUI screen to allow users to interact with the system to select data resources, to create a natural language query, and to select criteria for retrieving and displaying documents. Liddy discusses that the GUI screen includes pull-down menus, a menu bar and various on screen windows for user inputs and interactions **(col. 27, lines 6-52)**. Further, Liddy teaches the sign-on process at the initial screen establishing a logon session if the user input is valid **(col. 28, lines 48-50)**.
>
> It would have been obvious for a person of ordinary skill in the art at the time of the invention establishing a logon session if the user input is valid as taught in Liddy, *would be for security purposes* wherein only users that are registered that enters a registered username and valid password are allowed to proceed **(col. 28, lines 44-50)**.

Final Office Action, pages 11-12, italics added for emphasis.

The Examiner concludes, but does not provide evidence in support of that conclusion. The motivation "would be for security purposes" is too general to establish factual support, as is argued above in regard to Claim 1. For at least this reason, Appellant respectfully submits that the Examiner failed to establish a *prima facie* case of obviousness in rejecting Claim 22.

Claims 23-26

Claims 23-26 depend from Claim 22 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, singly or in combination with those recited in Claim 22, have not been shown to be obvious in the Final Office Action.

Claims 27-29

Claim 27

Appellant respectfully submits that the Examiner fails to establish a *prima facie* case of obviousness for rejecting Claim 27 in the Final Office Action. The Examiner fails to do so first by failing to show that the cited references discloses elements of Claim 27. Second, the Examiner fails to establish a *prima facie* case by improperly equating a "user registration" of Mears with a logon screen. Third, the Examiner fails by not providing a legally sufficient basis for combining Liddy with Mears. Fourth, the Examiner has not provided references establishing an asserted inherency and obviousness in rejecting Claim 27. For the reader's convenience, the subject matter of Claim 27 is provided below, after which Appellant submits its arguments for Claim 27.

Claim 27 recites a markup language based logon user interface arrangement for use in logging users onto a computer, the user interface comprising:

- a logon screen displayed while booting the computer and prior to allowing a user to logon to a computer;
- a user logon area within the logon screen, the user logon area visually identifying a plurality of users using text identifiers and graphical identifiers, such that each text identifier and graphical identifier are selectable by the user through the user interface and upon selection by the user cause the user interface to prompt the user to input a password; and
- a single selectable shut down mechanism graphically located within the logon screen and configured to shut the computer down when selected through the user interface by the user.

Cited References Not Shown To Teach All Elements of Claim 27

First, the Examiner fails to establish a *prima facie* case of obviousness by failing to show that the cited references disclose all elements of Claim 27. In making out the rejection of this claim, the Examiner argues the Mears reference and uses language that does not appear in this claim. For example, the Examiner argues that Mears discloses "a logon screen displayed while booting the computer and prior to allowing a user to logon to a computer" and cites to column 4, lines 11-35 for support. (Final Office Action, p. 13). Also for example, the Examiner argues that Mears discloses "a user logon area within the logon screen" and cites to column 7, lines 42-47 for support. (*Id.*). Also for example, the Examiner argues that Mears discloses "the user logon area visually identifying a plurality of users using text identifiers and graphical identifiers, such that each text identifier and graphical identifier are selectable by the user through the user interface" and cites to column 7, lines 57-59 for support. (*Id.*). None of the text cited above for support by the Examiner disclose the language appearing in Claim 27. To the extent that the terminology utilized by the Examiner in making out this rejection varies from the specific claim language that appears in this claim, Appellant respectfully submits that the Examiner has improperly addressed the claim. Nowhere does Mears disclose, suggest, or imply the claimed elements of a logon screen displayed while booting the computer or a user logon area within the logon screen, as required in Claim 27. Mears discloses enabling input of user preferences; it does not disclose any of these claimed elements. Appellant respectfully submits that the Examiner misuses Mears in rejecting Claim 27.

The User Registration of Mears

Second, the Examiner fails to establish a *prima facie* case by improperly equating a "user registration" of Mears with a logon screen. The Examiner asserts that: "user registration of Mears (col. 7, lines 47-54) can also be a logon process because both the registration and logon process is where personal information is entered regarding the user to identify him/her to access the computer." (Final Office Action, p. 14). The Examiner's argument in support of her rejection of Claim 27 relies on reasoning addressed in Appellant's argument set forth for Claim 1 above. For any of the reasons set forth for Claim 1, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness in rejecting Claim 27.

Insufficient Basis Given For Combining Mears and Liddy

Third, the Examiner fails by not providing a legally sufficient basis for combining Liddy with Mears. As set forth in Appellant's argument above in regard to Claim 1, the Examiner fails to provide a sufficient suggestion or motivation for combining Mears with Liddy, thereby failing to establish a *prima facie* case of obviousness.

Failure to Establish Asserted Inherency

Fourth, the Examiner has failed to provide references establishing an asserted inherency and obviousness in attempting to show disclosure of an element of Claim 27. The Examiner admits that "Mears did not fully disclose prompting the user to input a password and a single selectable shut down mechanism

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configured to shut the computer down when selected through the user interface by the user". (Final Office Action, p. 14). To address this deficiency, the Examiner writes that "[i]t is inherent that computers have a shut down mechanism option placed on a window for a user to select when wanting to shut the computer off. The Examiner ascertains the shut down option and the logon option is amongst the various functions if an appropriate command is selected on the screen." (*Id.*).

The Examiner has not provided references establishing the asserted inherency and obviousness, and as such has failed to establish a *prima facie* case of obviousness under §103.

On any one of these grounds, the Examiner's argument in the Final Office Action fails to establish a *prima facie* case of obviousness under §103 in rejecting Claim 27.

Claims 28-29

Claims 28-29 depend from Claim 27 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, singly or in combination with those recited in Claim 27, have not been shown to be obvious in the Final Office Action.

Conclusion

Appellant respectfully submits that all of the Examiner's rejections have been traversed. As such, Appellant respectfully submits that all of the claims are in condition for allowance.

Respectfully Submitted,

Dated: _22 Feb 05_

By: _Michael K. Colby_

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(8)   Appendix of Appealed Claims

1. (previously presented) A method for use in a computer, the method comprising:

while booting a computer and prior to allowing a user to logon to the computer, arranging for a markup language rendering engine to be loaded substantially near the beginning of an operating system initialization procedure; and

providing markup language code suitable for use with the markup language rendering engine, the markup language being capable of soliciting at least one user input when rendered by the markup language rendering engine, the user input being associated with a user logon process configured to selectively allow a user to logon to the computer.

2. (original) The method as recited in Claim 1, wherein providing the markup language code further includes providing user data, the user data being operatively associated with the user logon process.

3. (original) The method as recited in Claim 2, wherein the user data includes data selected from a set comprising a list of users, a text identifier, a graphical identifier, a password enabled identifier, and password hint data, and related user information data.

4. (original) The method as recited in Claim 2, further comprising:

configuring the markup language rendering engine to display at least a portion of the user data based on the markup language code.

5. (original) The method as recited in Claim 1, further comprising:

configuring the markup language code to provide the user input to an authorization entity for validation determination.

6. (original) The method as recited in Claim 1, wherein the user input includes at least one input selected from a group of inputs comprising a user name, a user identifier, and a password.

7. (original) The method as recited in Claim 1, wherein the markup language code includes markup language code selected from at least one markup language in a group comprising hypertext markup language (HTML), Dynamic Hypertext Markup Language (DHTML), eXtensible Markup Language (XML), eXtensible Hypertext Markup Language (XHTML), and Standard Generalized Markup Language (SGML).

8. (previously presented) A computer-readable medium having computer-executable instructions for causing one or more processors to perform acts comprising:

while booting a computer and prior to allowing a user to logon to the computer, arranging for a markup language rendering engine to be loaded substantially near the beginning of an operating system initialization procedure; and

providing markup language code suitable for use with the markup language rendering engine, the markup language being capable of soliciting at least one user input when rendered by the markup language rendering engine, the user input being associated with a user logon process configured to selectively allow a user to logon to the computer.

9. (original) The computer-readable medium as recited in Claim 8, wherein providing the markup language code further includes providing user data, the user data being operatively associated with the user logon process.

10. (original) The computer-readable medium as recited in Claim 9, wherein the user data includes data selected from a set comprising a list of users, a text identifier, a graphical identifier, a password enabled identifier, and password hint data, and related user information data.

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11. (previously presented) The computer-readable medium as recited in Claim 9, having further computer-executable instructions for performing acts comprising:

configuring the markup language rendering engine to display at least a portion of the user data based on the markup language code.

12. (previously presented) The computer-readable medium as recited in Claim 8, having further computer-executable instructions for performing acts comprising:

configuring the markup language code to provide the user input to an authorization entity for validation determination.

13. (original) The computer-readable medium as recited in Claim 8, wherein the user input includes at least one input selected from a group of inputs comprising a user name, a user identifier, and a password.

14. (original) The computer-readable medium as recited in Claim 8, wherein the markup language code includes markup language code selected from at least one markup language in a group comprising hypertext markup language (HTML), Dynamic Hypertext Markup Language (DHTML), eXtensible Markup Language (XML), eXtensible Hypertext Markup Language (XHTML), and Standard Generalized Markup Language (SGML).

15. (previously presented)   An arrangement including a memory, a data storage device, a display device, and a processor operatively coupled to the memory, data storage device and the display device, the arrangement comprising:

a markup language rendering engine stored within the data storage device and suitable for loading in the memory substantially near the beginning of an operating system initialization procedure while booting a computer and prior to allowing a user to logon to the computer; and

markup language code suitable stored in the data storage device and configurable for use with the markup language rendering engine, the markup language being capable of soliciting at least one user input when rendered by the markup language rendering engine onto the display device, the user input being associated with a user logon process configured to selectively allow a user to logon to the computer.

16. (original) The arrangement as recited in Claim 15, further comprising user data stored in the data storage device and configurable for use with the markup language rendering engine, the user data being operatively associated with the user logon process.

17. (original) The arrangement as recited in Claim 16, wherein the user data includes data selected from a set comprising a list of users, a text identifier, a graphical identifier, a password enabled identifier, and password hint data, and related user information data.

18. (original) The arrangement as recited in Claim 16, wherein the markup language rendering engine is further configurable to display at least a portion of the user data on the display device based on the markup language code.

19. (original) The arrangement as recited in Claim 15, further comprising an authorization entity stored within the data storage device, and wherein the markup language rendering engine is further configurable to provide the user input to the authorization entity for validation determination based on the markup language code.

20. (original) The arrangement as recited in Claim 15, wherein the user input includes at least one input selected from a group of inputs comprising a user name, a user identifier, and a password.

21. (original) The arrangement as recited in Claim 15, wherein the markup language code includes markup language code selected from at least one markup language in a group comprising hypertext markup language (HTML), Dynamic Hypertext Markup Language (DHTML), eXtensible Markup Language (XML), eXtensible Hypertext Markup Language (XHTML), and Standard Generalized Markup Language (SGML).

22. (previously presented) A method for use in booting a computer and logging users onto the computer, the method comprising:

prior to allowing a user to logon to a computer, loading a markup language rendering engine substantially near the beginning of an operating system initialization procedure;

retrieving user data from the operating system;

rendering markup language code associated with a logon screen using at least a portion of the user data;

collecting at least one user input associated with the logon screen; and

establishing a logon session if the user input is valid.

23. (original) A method as recited in Claim 22 wherein establishing a logon session further includes:

providing the user input to the operating system; and

causing the operating system to authenticate the user input.

24. (original) The method as recited in Claim 23, wherein establishing a logon session further includes providing the user input to an authorization entity for validation determination.

25. (original) The method as recited in Claim 22, wherein the user data includes data selected from a set comprising a list of users, a text identifier, a graphical identifier, a password enabled identifier, and password hint data, and related user information data.

26. (original) The method as recited in Claim 22, wherein the markup language code includes markup language code selected from at least one markup language in a group comprising hypertext markup language (HTML), Dynamic Hypertext Markup Language (DHTML), eXtensible Markup Language (XML), eXtensible Hypertext Markup Language (XHTML), and Standard Generalized Markup Language (SGML).

27. (previously presented) A markup language based logon user interface arrangement for use in logging users onto a computer, the user interface comprising:

a logon screen displayed while booting the computer and prior to allowing a user to logon to a computer;

a user logon area within the logon screen, the user logon area visually identifying a plurality of users using text identifiers and graphical identifiers, such that each text identifier and graphical identifier are selectable by the user through the user interface and upon selection by the user cause the user interface to prompt the user to input a password; and

a single selectable shut down mechanism graphically located within the logon screen and configured to shut the computer down when selected through the user interface by the user.

28. (original) The user interface as recited in Claim 27, wherein the logon screen is rendered substantially near the beginning of the initialization of the operating system using a markup language rendering engine.

29. (original) The user interface as recited in Claim 28, wherein the logon screen is rendered during using markup language code selected from at least one markup language in a group comprising hypertext markup language (HTML), Dynamic Hypertext Markup Language (DHTML), eXtensible Markup Language (XML), eXtensible Hypertext Markup Language (XHTML), and Standard Generalized Markup Language (SGML).